



A Union of Professionals

Summary of Sanctions for Schools and Districts not Making Adequate Yearly Progress

For all states that receive Title I funds, NCLB outlines a timeline of requirements and consequences for schools and districts that fail to make Adequate Yearly Progress (AYP). School districts and state education departments have similar responsibilities.

Sanctions for Schools

Schools receiving Title I funds that do not reach AYP are subject to various forms of assistance, intervention and other actions. If a school fails to make AYP:

After 2 years

- School is identified as being “in need of improvement.”
- District must provide technical assistance to help develop a two-year school improvement plan.
- All students in the school are eligible to **transfer** to other schools in the district that have made AYP.
- Districts must provide at least two choice options.
- District must spend at least 10% of Title I funds on professional development for teachers and principals.
- Up to 20% of district Title I funds must be used for supplemental services and choice-related transportation costs.

After 3 years

- School must continue its school improvement efforts and choice options.
- District must make tutoring and other **supplemental educational services** available to low-income students. The supplemental service providers are selected by parents from a state-approved list of outside providers (including for-profit or private non-profit entities).
- Up to 20% of district Title I funds must be used for supplemental services and choice-related transportation costs. If funds are not sufficient, district must serve lowest-performing students first.

After 4 years

- School must continue its public school choice and supplemental educational service options.
- **Corrective action** must be taken, including at least one of the following:
 - Replace all school staff who are relevant to the failure;
 - Institute and implement a new curriculum, including professional development for staff, that offers substantial promise of improving the achievement of low achieving children;
 - Significantly decrease management authority at the school level;

- Appoint an outside expert to advise the school;
- Extend the school day or year; or
- Restructure the internal organizational structure of the school.

After 5 years

- School must continue its public school choice and supplemental service options.
- School must plan for **restructuring** by changing governance structure, including doing one of the following:
 - Reopen the school as a public charter school;
 - Replace all or most of the school relevant to the failure to make AYP;
 - Enter into a contract with a private management company to operate the school;
 - Turn the operation of the school over to the state; or
 - Any other major restructuring of the school's governance that makes fundamental reforms to improve student academic achievement and make AYP.

After 6 years

- School must implement its **restructuring** plan.

Additional Information

- Whenever a school identified as being in need of improvement makes AYP for two consecutive years it will be removed from the category.
- Whenever a school identified as in need of improvement makes AYP for one year, that school may delay implementation of the sanctions the following year.

Sanctions for Districts

If a school district receiving Title I funds fails to make AYP for two consecutive years, a state must identify it as a **district in need of improvement**. The district is prohibited from being a provider of supplemental educational services, except in cases in which other providers do not have the capacity to serve students with disabilities or limited English proficient students. The district will also be required to develop an improvement plan and the state must provide technical assistance.

If, the district is still not making AYP two years after being identified as in need of improvement, the state must take **corrective action** against a district. The state must provide technical assistance to the district and also do at least one of the following:

- Defer or reduce funds;
- Institute new curricula, including the provision of appropriate professional development;
- Replace personnel relevant to the district's failure;
- Provide alternative governance arrangements for particular schools outside of the jurisdiction of the district;
- Appoint a trustee or receiver to run the district; or
- Abolish or restructure the district.

Additionally, the state can authorize students to transfer to a higher performing school in another district and provide transportation for those students.